HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.10910 of 2007

Dated:29-11-2007

Between:

Thota Satyanarayana
and another

..... Pet

AND

The District Collector,
East Godavari District, Kakinada

And others.

..... Respc

Counsel for the petitioners : Sri K.Chidambaram

Counsel for Respondents : A.G.P. for Land Acquisition.

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.10910 of 2007

O R D E R:

This writ petition is filed for a writ of mandamus to declare notification dated 16.5.2007 and published on 19.5.2007 issued by respondent No.1 under Section 4(1) of the Land Acquisition Act 1894 (for short "the Act") as illegal and arbitrary.

After arguing the case at length on earlier occasions, both the learned counsel sought for adjournments to get instructions and accordingly, today the learned counsel stated that the writ petition may be disposed of with the direction to respondent No.2 to refer the dispute relating to right to receive compensation in respect of the lands mentioned in the said notification, among the petitioners and respondent No.4.

Learned Assistant Government Pleader says that respondent No.2 has no objection for reference of the dispute under Section 30 of the Act.

In view of the above submissions of the learned counsel, the writ petition is disposed of with the direction to respondent No.2 to refer the dispute relating to the aforementioned lands to the competent civil court under Section 30 of the Act.

Since the learned counsel also agreed that the balance amount of compensation, which is not disbursed so far may be directed to be kept in the Court deposit, respondent No.2 shall while referring the dispute under Section 30 of the Act keep the undisbursed amount of compensation in the Court deposit, payment of which will be made subject to the result of the dispute under Section 30 of the Act.

The writ petition is disposed of in the manner indicated above.

_____

C.V.NAGARJUNA REDDY,J

Date:29.11.2007

mdaa